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DD/S 69-3714

7 August 1969

*OGC Subject:  
Legislation, S. 782*

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Mr. Sam Papich,  
Federal Bureau of Investigation

1. On 7 August I called Mr. Papich, FBI Liaison Officer, and asked if we could meet to discuss the FBI's position on S. 782. At 3:30 p.m. I met with Mr. Papich who advised that the FBI's position at all times has been for total exemption from S. 782. The FBI's interest concerned national security affairs and criminal investigations and it is their feeling that the provisions of the Bill would seriously and adversely affect their ability to properly conduct their affairs in both these areas. Therefore the FBI has consistently held for total exemption.

2. The FBI does not want to be a party to any modifications particularly those submitted by the Agency as its fallback position. The Bureau could not understand why the Agency took a fallback position and did not strongly hold out for total exemption. I explained that in our closed hearing with Senator Ervin and in conversations with members of the Subcommittee and staff members it was evident that Senator Ervin was holding to a rather strong position that total exemption for this Agency was not warranted. The Agency felt that in light of this strong opposition to a total exemption and the fact that we seem to be standing alone in our effort to obtain such an exemption we felt it propitious to develop a fallback position which complied with the spirit of the proposed Bill but at the same time protected to the degree possible Agency interests. Further, it was our feeling that whatever was reported out of the Subcommittee would probably be approved by the full Committee and the Senate. Rather than face a situation where we had no basic concessions to Agency interests we developed a fallback position which to some degree would provide Agency protection.

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3. It was further discussed that this Agency has very little business with Senator Ervin's Subcommittee as we deal with our four constituted subcommittees in the Congress. On the other hand, it was obvious that the FBI has a considerable relationship with the Senate Judiciary Committee and its subcommittees and their position was somewhat different from ours in their relationship thereto.

4. It was indicated that the Subcommittee in its meetings of 4 and 5 August were in considerable confusion in light of the counter-proposals and there was some frustration in trying to work these out into an agreed-upon, acceptable basis. It was stated that Senator Hruska planned to consolidate the new proposal and circulate them to the three agencies--CIA, NSA and FBI--for their comments. It was further indicated that Senator Ervin is becoming somewhat tired and discouraged over his inability to push through this Bill and apparently is reconciled or more amenable to a compromise to satisfy the various objections. The FBI encouraged that we hold out for total exemption. It was my feeling, although not expressed by Mr. Papich, that the FBI had previously received some assurance that they would be exempted either in the Subcommittee or in the full Committee hearings from the provisions of this Bill. This feeling was reinforced when Mr. Papich indicated that there was some discussion by the Subcommittee that they could not rightfully give an exemption to the FBI and not include both CIA and NSA. Both Mr. Papich and I agreed that we should cooperate very closely so that our positions can be coordinated and our joint efforts might be more productive in serving each of our interests. I promised to keep Mr. Papich advised and he in turn promised the same with me.

5. On the morning of 8 August Mr. Papich called urging that we revert to our position of a full exemption from the provisions of the Bill. He stated that if our fallback position is accepted and included in the Bill it will most certainly pass the Senate and Chairman Henderson would have little or no alternative in the House but to accept it. We discussed the possibility that as the new proposals are drafted the Agency might have an opportunity of changing its position back to that of complete exemption from the Bill. The FBI is obviously extremely worried as they feel that the loosely drawn provisions of the Bill offer innumerable opportunities for difficulties in their operation.

SIGNED R. L. Bannerman

R. L. Bannerman  
Deputy Director  
for Support

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